

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	CHAPTER 13
JOHN S. CARNES, JR.	:	
	:	
Debtor	:	BANKRUPTCY NO. 19-12843

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MIDFIRST BANK	:	
	:	
Movant	:	
JOHN N. CARNES, JR.	:	
and WILLIAM C. MILLER	:	
	:	
Respondents	:	

**DEBTOR'S RESPONSE TO MOTION FOR RELIEF OF MIDFIRST BANK**

Debtor, by and through Joseph F. Claffy, Esquire, his attorney, contests the Motion for Relief sought by Midfirst Bank, and in support thereof avers the following:

1. Admitted.
2. Admitted.
3. Denied. Debtor has no knowledge of whether or not movant is in fact the mortgage holder and therefore must deny same demanding strict proof.
4. Admitted.
5. Denied. The debtor was not in foreclosure nor even approaching foreclosure.
6. Admitted in part; denied in part. Admitted that some payments were not made for the reason that debtor had been granted a loan modification. Denied that payments are due considering the terms of the modification.
7. Denied. Creditor had no basis for the motion because it had granted a loan modification and therefore is not entitled to legal fees.
8. Denied. Bank accepted two payments within the last 14 days and hence debtor is not as far behind as alleged.
9. Denied.
10. Denied as a conclusion of law and ultimate fact.

11. Denied as a request for future hypothetical relief which may or may not be appropriate at a future time.

WHEREFORE, respondent debtor requests that the court deny the motion.

Respectfully submitted:

/s/ Joseph F. Claffy  
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